

REMARKS

Claims 1-27 are pending in the application.

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1-7, 9, 11 and 13 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,347,476 to McBean, Sr. (hereinafter referred to as "McBean") in view of U.S. Patent No. 4,260,058 to Paull et al. (hereinafter referred to as "Paull"). The Examiner admitted that "McBean does not disclose the temperature sensor of the removable module being in a probe connected to the removable module, wherein the removable module is capable of storing the temperature sensitive probe and a supply of disposable probe covers...." It is respectfully submitted that Paull does not cure the deficiencies of McBean.

Contrary to the Examiner's characterization, Paull does not teach or suggest a module having a chamber housing a supply of disposable probe covers attached thereto as required in each of the rejected claims. Rather, Paull discloses a holder (24) for holding a cartridge of probe covers mounted to the top wall of the device (10), not mounted to the module (holster 16) as claimed in the present application.

The present specification clearly describes sources of contamination that are avoidable according to the claimed apparatus in a way which is not taught or suggested by any combination of McBean and Paull. For example the present specification recites:

"The third source of contamination relates to the disposable probe covers. Each time a patient's temperature is measured, the probe is inserted into a box of unused disposable probe covers. The temperature probes of the prior art share a common source of probe covers. Hence, probes used for taking rectal, oral and auxiliary temperatures are repeatedly inserted into the same source of probe covers. The probe, then, once contaminated, may spread contamination to other unused probe covers. Contaminants deposited on the unused probe cover may then be passed on to the same patient and/or other patients." (Page 2, lines 13-19.)

Paull is an example of the prior art in which the temperature probes share a common source of probe covers. Therefore, for at least these reasons, it is respectfully submitted that claims 1-7, 9, 11 and 13 and all claims depending therefrom, respectively, are allowable over the prior art of record.

The Examiner rejected claim 8 under 35 U.S.C. §103(a) as being unpatentable over McBean and Paull in view of the prior art disclosed by the Applicant. However, it is respectfully submitted that the referenced prior art submitted by the Applicant does not cure the deficiencies of McBean and Paull, specifically, an electronic thermometer having a removable module capable of storing a temperature probe and probe covers. Therefore, for at least these reasons, it is respectfully submitted that claim 8 is allowable over the prior art of record.

The Examiner rejected claims 10 and 12 under 35 U.S.C. §103(a) as being unpatentable over McBean and Paull in view of U.S. Patent No. 5,173,840 to Kodai et al. (hereinafter "Kodai"); claims 14, 16, 17 and 19-21 under 35 U.S.C. §103(a) as being unpatentable over McBean and Paull in view of U.S. Patent Application Publication No. 2001/000431 to Denzene (hereinafter "Denzene"); claim 15 under 35 U.S.C. §103(a) as being unpatentable over McBean, Paull, and Denzene in view of Kodai; claim 18 under 35 U.S.C. §103(a) as being unpatentable over McBean, Paull and Denzene in view of U.S. Patent No. 6,179,785 to Martinosky et al. (hereinafter "Martinosky"); claim 22 under 35 U.S.C. §103(a) as being unpatentable over McBean in view of Paull, Denzene and Martinosky; claims 23 and 25 under 35 U.S.C. §103(a) as being unpatentable over McBean and Paul in View of U.S. Patent No. 4,619,271 to Burger et al. (hereinafter "Burger"); claim 24 under 35 U.S.C. §103(a) as being unpatentable over McBean and Paull in view of U.S. Patent No. 4,790,324 to O'Hara et al. (hereinafter "O'Hara"); claim 26 under 35 U.S.C. §103(a) as being unpatentable over McBean Paull Denzene and Martinosky in view of Burger; and claim 27 under 35 U.S.C. §103(a) as being unpatentable over McBean, Paull, Denzene and Martinosky in view of O'Hara. However, it is respectfully submitted that none of the cited references cure the deficiencies of McBean and Paull, specifically, an electronic thermometer having a removable module capable of storing a temperature probe and probe

covers. Therefore, for at least these reasons, it is respectfully submitted that claims 10, 12 and 14-27 are allowable over the prior art of record.

Since none of the cited references or any combination thereof teaches or suggests all elements of any of the rejected claims, Applicants respectfully request that the Examiner withdraw his rejections under 35 U.S.C. 103(a).

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below. The Examiner is invited and encouraged to telephone the undersigned with any concerns in furtherance of the prosecution of the present application.

Please charge any deficiency as well as any other fees which may become due at any time during the pendency of this application, or credit any overpayment of such fees to deposit account No. 50-0369. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge deposit account No. 50-0369 therefore.

Respectfully submitted,

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Dated: _____

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